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7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ANTHONY RIOS,

12 Defendant.  
13

Case No. 2:20-mj-00224-BNW

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (Second Request)**

14 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher  
15 Chiou, Acting United States Attorney, and Andrew W. Duncan, Assistant United States  
16 Attorney, counsel for the United States of America, and Jawara Griffin, counsel for  
17 Defendant Anthony Rios, that the Court vacate the preliminary hearing scheduled for July  
18 6, 2021, at 3:00 p.m. and reschedule the hearing for a date and time convenient to this  
19 Court, but no sooner than 30 days from the currently scheduled date. This request requires  
20 that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21  
21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an  
22 information or indictment be filed within 14 days of a defendant's arrest, *see* 18 U.S.C.  
23 § 3161(b).

24 This stipulation is entered into for the following reasons:

1           1.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
2 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial  
3 appearance] if [the defendant is] not in custody . . . .”

4           2.       However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
5 showing of good cause—taking into account the public interest in the prompt disposition of  
6 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
7 times . . . .”

8           3.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
9 information or indictment charging an individual with the commission of an offense shall be  
10 filed within thirty days from the date on which such individual was arrested or served with a  
11 summons in connection with such charges. If an individual has been charged with a felony  
12 in a district in which no grand jury has been in session during such thirty-day period, the  
13 period of time for filing of the indictment shall be extended an additional thirty days.”

14          4.       Moreover, the parties have entered into negotiations in an attempt to  
15 promptly resolve this case and reduce the judicial and government resources required by  
16 this case. The defense requires additional time to adequately advise Defendant regarding  
17 any plea negotiations.

18          5.       The additional time requested herein is not sought for the purposes of delay,  
19 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and  
20 prepare and to determine whether to proceed with a preliminary hearing and indictment or  
21 to resolve this case through negotiations.

22          6.       Accordingly, the parties jointly request that the Court schedule the  
23 preliminary hearing in this case no sooner than 30 days from the currently scheduled date.  
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**[Proposed] Order on Stipulation to Continue Preliminary Hearing and Deadline to Indict Defendant**

Defendant.

DATED this 2nd day of July, 2021.

Denkwegen

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